

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MARTIN JAMES TIRRELL,

Petitioner,

v.

B. EISCHEN,

Respondent.

Case No. 22-CV-1421 (NEB/JFD)

DECLARATION OF KYJA WINGER

I, Kyja Winger, do hereby declare and state as follows:

1. I am currently employed by the Federal Bureau of Prisons (BOP) of the United States Department of Justice, as the Unit Manager at the Federal Prison Camp in Duluth, Minnesota (FPC Duluth). I began working for the BOP in January of 1999 and became a Unit Manager in December of 2013. As part of my official duties, I am familiar with the time credit provisions of the First Step Act and the Bureau's policies and procedures implementing the provisions. I have access to BOP files maintained in the ordinary course of business related to inmates incarcerated within the BOP.
2. I have been advised FPC Duluth inmate Martin Tirrell, Register No. 19011-030, has filed a petition for habeas corpus requesting his Good Conduct Time (GCT) and First Step Act time credits (FTC) be calculated and credited towards his sentence.
3. Tirrell is serving a 41-month term of imprisonment for Mail Fraud, in violation of 18 U.S.C. § 1341. He has a projected release date of December 30, 2023, via GCT release and a projected release date of August 2, 2023, with applied FTC credits. See Public Information

Inmate Data as of July 13, 2022, for Martin Tirrell, Register No. 19011-030, a true and correct copy of which is attached as Exhibit A to this declaration.

4. Tirrell is eligible to earn First Step Act time credits (FTCs) under 18 U.S.C. § 3632(d). See Inmate History – First Step, dated 07-13-2022, for Martin Tirrell, Register No. 19011-030, a true and correct copy of which is attached as Exhibit B to this declaration.
5. Tirrell has been assigned a Minimum on the PATTERN Risk Tool since his first assessment in February 2021. See Exhibit B.
6. On June 25, 2021, the Bureau of Prisons issued Program Statement 5400.01, First Step Act Needs Assessment, which outlines what needs the Bureau identified under the First Step Act and how they are assessed. See Exhibit C, Program Statement 5400.01, First Step Act Needs Assessment, a true and correct copy of which is attached as Exhibit C to this declaration. The Bureau has identified thirteen need areas: anger/hostility, antisocial peers, cognitions, dyslexia, education, family/parenting, finance/poverty, medical, mental health, recreation/leisure/fitness, substance abuse, trauma, and work. See id. at 2. The needs are dynamic factors which can change over time. See id.
7. Currently, under Program Statement 5400.01, staff assess some needs based on a review of the presentence investigation report, education records, and medical records. See Exhibit C at 3. Several needs are determined based on the inmates' completion of standardized instruments, such as the Brief Anger Aggression Questionnaire (anger/hostility), Measures of Criminal Attitudes and Associates (antisocial peers and cognitions), and the Family Assessment Device Version 12 (family/parenting). If an inmate does not complete the standardized instruments, the need areas are marked "refuse." See id. at 2.

8. Tirrell's current FSA needs are as follows:

Anger/Hostility – No

Medical – No

Antisocial Peers – No

Mental Health – No

Cognitions – No

Recreation/Leisure/Fitness – No

Dyslexia – No

Substance Abuse – Yes

Education – No

Trauma – No

Family/Parenting – Yes

Work – Yes

Finance/Poverty – Yes

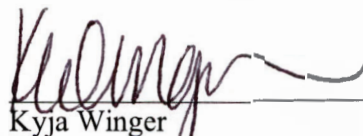
See Exhibit B at 1.

9. Tirrell is currently on the waiting list, participating in, or has completed the following EBRR programs and productive activities: Money Smart; Inside Out Dad; National Parenting Program; Drug Education. See Inmate History – PT Other, dated 07-13-2022, for Martin Tirrell, Register No. 19011-030, a true and correct copy of which is attached as Exhibit D to this declaration; Inmate History – WASPB, dated 07-13-2022, for Martin Tirrell, Register No. 19011-030, a true and correct copy of which is attached as Exhibit E to this declaration; Inmate History – Drug Programs, dated 07-13-2022, for Martin Tirrell, Register No. 19011-030, a true and correct copy of which is attached as Exhibit F to this declaration.
10. The Bureau is in the process of incorporating FTC tracking capabilities into SENTRY and updating sentencing computations. The current focus is on inmates closest to their release date first, and then the Bureau will move on to inmates with later release dates, like Tirrell. Tirrell's computation has not yet been updated. Regardless of whether FTCs are incorporated into SENTRY and reflected on a sentence computation, FTCs will not change the "percentage of statutory time served" on an inmate's sentence computation.

11. Because this matter is before the Court, I have been advised by Central Office staff that Tirrell has earned approximately 150 days of FTC as of July 13, 2022. This total is reflected in his current sentence computation, but may change if more credits are earned.
12. Tirrell has not filed any administrative remedies regarding his FTCs. See Administrative Remedy Generalized Retrieval, dated 07-13-2022, for Martin Tirrell, Register No. 19011-030, a true and correct copy of which is attached as Exhibit G to this declaration.

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 18 day of July, 2022.



Kyja Winger
Unit Manager
Federal Prison Camp
Duluth, Minnesota